IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.52 OF 2006

IN

PROBATE PETITION NO.846 OF 2002

Ms Madhukantaben M. Doshi ...Petitioner

v/s

Abhinav CHS Ltd. ...Respondents

Mr M.K. Dave i/b M/s Vigil Juris for Petitioner.

Mr S.J. Ponicka for Respondents.

CORAM : D.K. DESHMUKH J.

DATE : 21ST DECEMBER 2006.

P.C. :-

1. The property in relation to which directions are sought is admittedly not mentioned in the will. The Society has not transferred the membership in favour of the executrix because somebody else is claiming the property on the basis of gift deed. Therefore, it cannot be said that the title of the property is undisputed. The remedy of the petitioner is to institute proceedings in appropriate Court for declaration of the title and any other reliefs that may be necessary. The reliefs sought in the petition cannot granted. Petition is rejected.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.